all cancelled.

Application are incorporated herein by reference, and the benefit of priority to the same Application is claimed under 35 U.S.C. §120.

Remarks

The Office Action mailed June 6, 2002 has been carefully reviewed and the foregoing amendment has been made in consequence thereof. Submitted herewith, in Appendix A, is a Submission of Marked Up Replacement Paragraphs, in accordance with 37 C.F.R. § 1.121.

Claims 1-19 are now pending in this application. Claims 1-19 stand rejected.

Applicants note the objection to the Disclosure. The disclosure has been amended to include the U.S. Serial No. of the priority Application for which the present Application is a Continuation-In-Part.

For the reasons set forth above, Applicants request that the objection to the specification be withdrawn.

Applicants note the request for a new Oath or Declaration. In accordance with a phone conversation with the Examiner, on July 22, 2002, a letter providing the priority application serial number was faxed to the Examiner on July 22, 2002, thereby satisfying the request set forth in the Office Action. A copy of the letter is submitted herewith.

For the reasons set forth above, Applicants request that the request for a new Oath or Declaration be withdrawn.

The rejection of Claims 1-5, 8-10, 15 and 16 under 35 U.S.C. § 102(b) as being anticipated by Cognetti et. al. is respectfully traversed.

Claim 1 recites, "*An electronically commutated brushless motor comprising: a motor housing; a bulge formed in a sidewall of said motor housing; and a capacitor assembly including a printed circuit board and at least one capacitor, said capacitor assembly housed in said bulge.*"

Cognetti et. al. neither describe or suggest a bulge formed in a sidewall of a brushless motor housing. Rather Cognetti et. al describe a device 1 including a circuit board 2 contained within an enclosing body 9. The enclosing body 9 is molded over the circuit board 2 by injection molding. The device 1 is attached to a motor M by inserting leads C of the motor M into respective female connectors 5 of the device 1. Additionally, Figure 1 of Cognetti et. al. does not show a motor housing with a bulge formed in the sidewall, but instead shows a motor housing with a reservoir on the side to which the device 1 is attached.

For the reasons set forth above, Applicants respectfully submit that Claim 1 is patentable over Cognetti et. al.

Claims 2-5 depend, directly or indirectly, from Claim 1. When the recitations of Claims 2-5 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 2-5 are likewise patentable over Cognetti et. al..

Claim 8 recites, "*A method for constructing an electronically commutated brushless motor, said method comprising: providing a motor housing having a bulge formed in a sidewall of the motor housing; and providing a capacitor assembly; and slideably inserting the capacitor assembly in the bulge.*"

In accordance with the remarks set forth above, in reference to Claim 1, Applicants submit that Cognetti et. al. neither describe or suggest a bulge formed in a sidewall of a motor housing. Additionally, Cognetti et. al. neither describe or suggest slideably inserting a capacitor assembly in the bulge. Rather, Cognetti et. at. describe

attaching the device 1 to the motor M by inserting leads C of the motor M into respective female connectors 5 of the device 1. For the reasons set forth above, Applicants respectfully submit that Claim 8 is patentable over Cognetti et. al.

Claims 9-10 depend, either directly or indirectly, from Claim 8. When the recitations of Claims 9-10 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 9-10 are likewise patentable over Cognetti et. al..

Claim 15 recites, "*An electronically commutated brushless motor comprising: a motor housing comprising a bulge formed in a sidewall of said motor housing; a plurality of channels located along an inside surface of a sidewall of said bulge; and a capacitor assembly slideably inserted in said bulge utilizing said channels.*"

In accordance with the remarks set forth above, in reference to Claims 1 and 8, Applicants submit that Cognetti et. al. neither describe or suggest a bulge formed in a sidewall of a motor housing, or a capacitor assembly slideably inserted in the bulge. Additionally, Cognetti et. al. neither describe or suggest a plurality of channels located along an inside surface of a sidewall of the bulge. Rather, Cognetti et. at. describe connecting power to the device 1 by inserting female connectors B onto male connectors 6 using alignment pins 11. For the reasons set forth above, Applicants respectfully submit that Claim 8 is patentable over Cognetti et. al..

Claim 16 depends directly from Claim 15. When the recitations of Claim 16 are considered in combination with the recitations of Claim 15, Applicants submit that Claim 16 is likewise patentable over Cognetti et. al..

For the reasons set forth above, Applicants respectfully request that the § 102(b) rejection of Claims 1-5, 8-10, 15 and 16 be withdrawn.

The rejection of Claims 6, 7, 11-14 and 17-19 under 35 U.S.C. § 103 as being unpatentable over Cognetti et. al. in view of Gillett et. al. is also respectfully traversed.

Claims 6 and 7 depend from Claim 1 and therefore must be read including the recitations of Claim 1.

Claim 1 is set forth above. Neither Cognetti et. al. nor Gillett et. al. describe or suggest a bulge formed in a sidewall of a brushless motor housing. In accordance with the remarks above, Cognetti et. al. appear to describe and show a device 1 attached to a reservoir on a motor M by inserting leads C of the motor M into respective female connectors 5 of the device 1. Gillett et. al. describe an electronic component assembly 40 including lip portions 43 and 42 along a edge of the assembly 40, wherein ssembly 40 is inserted into a connector 70 that has beveled surfaces 76 that force lip portions 43 and flaps 42 apart.

For the reasons set forth above, Applicants respectfully submit that Claim 1 is patentable over Cognetti et. al. in view of Gillett et. al.. When the recitations of Claims 6 and 7 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 6 and 7 are likewise patentable over Cognetti et. al. in view of Gillett et. al..

Claims 11-14 depend from Claim 8 and therefore must be read including the recitations of Claim 8.

Claim 8 is set forth above. In accordance with the remarks set forth above, in reference to Claim 1, Applicants submit that neither Cognetti et. al. nor Gillett et. al. describe or suggest a bulge formed in a sidewall of a motor housing. Additionally, neither Cognetti et. al. nor Gillett et. al. describe or suggest slideably inserting a capacitor assembly in the bulge. Rather, Cognetti et. at. describe attaching the device 1 on the motor M by inserting leads C of the motor M into respective female connectors 5

of the device 1. Additionally, Gillett et. al. describe inserting an electronic assembly 40 into a connector 70.

For the reasons set forth above, Applicants respectfully submit that Claim 8 is patentable over Cognetti et. al. in view of Gillett et. al.. When the recitations of Claims 11-14 are considered in combination with the recitations of Claim 8, Applicants suggest that Claims 11-14 are likewise patentable over Cognetti at. al. in view of Gillett et. al..

Claims 17-19 depend from Claim 15 and therefore must be read including the recitations of Claim 15.

Claim 15 is set forth above. In accordance with the remarks set forth above, in reference to Claims 1 and 8, Applicants submit that neither Cognetti et. al. nor Gillett et. al. describe or suggest a bulge formed in a sidewall of a motor housing or a capacitor assembly slideably inserted in the bulge. Additionally, neither Cognetti et. al. nor Gillett et. al. describe or suggest a plurality of channels located along an inside surface of a sidewall of the bulge. Rather, Cognetti et. at. describe connecting power to the device 1 by inserting female connectors B onto male connectors 6 using alignment pins 11, and Gillett et. al. describe a channel 73 in connector 70.

For the reasons set forth above, Applicants respectfully submit that Claim 15 is patentable over Cognetti et. al. in view of Gillett et. al.. When the recitations of Claim 15 are considered in combination with the recitations of Claims 17-19, Applicants submit that Claims 17-19 are likewise patentable over Cognetti et. al. in view of Gillett et. al..

Furthermore, applicants respectfully submit that is would not have been obvious to modify Cognetti et. al. in view of Gillett et. al. to obtain 1) an electronically commutated motor housing having a bulge formed in a sidewall, as claimed in Claim 1, 2) slideably inserting a capacitor assembly into the bulge, as claimed in Claim 8, nor 3) a plurality of channels along the inside surface of the sidewall of the bulge. Cognetti et.

al. and Gillett et. al. are absent any description directed toward a motor housing having a bulge formed in a sidewall of the housing and a plurality of channels in a sidewall of the bulge into which a capacitor assembly is slideably inserted. In addition to the lack of such description, there is no suggestion in Cognetti et. al., nor Gillett et. al. to combine the features described in each respective piece of cited art with other known features in the art to obtain such features.

Therefore, it would not have been an obvious matter of design choice to simply take each of the isolated teachings of Cognetti et. al. and Van Dine et. al., where there is no suggestion to combine the teaching of these references, to construct a brushless DC motor housing with a bulge formed in a sidewall of the motor housing and a plurality of channels in a sidewall of the bulge into which a capacitor assembly is slideably inserted. Obviousness cannot be established by merely suggesting that it would be obvious to one of ordinary skill in the art to have selected an alternative design choice. Additionally, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

For the reasons set forth above, Applicants respectfully request that the § 103 rejection of Claims 6, 7, 11-14 and 17-19 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now pending in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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APPENDIX A

[0001] This application is a Continuation-In-Part of Application U.S. Serial No. [90/] 10/014711, entitled Brushless Motor Having Double Insulation, filed December 11, 2001 in the U.S. Patent and Trademark Office. The contents of the aforementioned Application are incorporated herein by reference, and the benefit of priority to the same Application is claimed under 35 U.S.C. §120.